

REMARKS

Claims 1 and 4-6, 8, 9, 11, 12 and 20-26 are currently pending in this application. Applicants have carefully reviewed the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 4-5, 9, 11, 20, 22-23 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication 2003/0088281 (Ostroff).

As best understood by Applicants, the Examiner considers the H-bridge of Ostroff to correspond to the recited "output adapted for connection across a load," "charging circuit," and "H-bridge including a first leg and a second leg, each leg including a first switching device." The Examiner also considers C1 of Ostroff to correspond to the recited "voltage storage device" and C2 to correspond to the recited "capacitor switchably coupled across the voltage storage device and output." The Examiner further appears to consider the H-bridge switches, C1 and C2 of Ostroff to also correspond to part of the recited "pulse width modulation circuitry."

In view of the above, Applicants submit that the rejection of independent claim 1 is improper for the following reasons:

First, the purported "voltage storage device" (C1) in Ostroff is prior to both the purported "charging circuit" (H-bridge) and "output adapted for connection across a load" (H-bridge), as opposed to between, as recited in claim 1.

Second, the purported "first switching device" (H1, H2, L1 or L2) in Ostroff is a switch that controls the polarity of voltage across the patient load. This voltage is provided at node 17 by the purported "pulse width modulation circuitry" (including C1 and C2). The voltage at node 17 merely passes through the switch (e.g., H1) to the output, when the switch is closed. The voltage at node 17 does not control the couple/decouple state of the switch. In other words, the purported "first switching

device” (H1, H2, L1 or L2) of Ostroff does not alternately couple and decouple anything in accordance with a pulse waveform, as recited in claim 1.

Third, any coupling and decoupling of the purported “voltage storage device” (C1) across the purported “capacitor” (C2) in Ostroff is controlled by switch SW2 – not the purported “first switching device” (H1, H2, L1 or L2). Thus, the purported “first switching device” (H1, H2, L1 or L2) in Ostroff does not function to couple and decouple the purported “voltage storage device” (C1) across the purported “capacitor” (C2) and “output” (H-bridge) as recited in claim 1.

Fourth, when the purported “voltage storage device” (C1) of Ostroff is decoupled across the purported “output” (H-bridge) – by the opening of switches in the H-bridge – the purported “capacitor” (C2) would ipso facto, also be decoupled across the purported “output” (H-bridge) and thus be unable to supply current to the output (H-bridge). Thus, the capacitor (C2) of Ostroff is not operative to supply current to the output (H-bridge) when the voltage storage device (C1) is decoupled across the output, as recited in claim 1.

Regarding independent claim 20, the rejection of it is also believed improper for the first, second and third reasons presented above.

In view of the foregoing, Applicants submits that Ostroff fails to disclose the combinations of elements and features recited in independent claims 1 and 20. Accordingly, Applicants request reconsideration of the §102 rejections of claims 1 and 20. Applicants further submit that, in view of their incorporation of subject matter recited in their respective independent base claim, each of dependent claims 4-5, 9, 11, 22-23 and 25 is also novel over Ostroff.

Claim Rejections Under 35 U.S.C. §103

Claims 6 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ostroff in view of U.S. Patent No. 5,725,560 (Brink). Claims 8, 12, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ostroff.

In view of the foregoing analysis of independent claims 1 and 20 in view of Ostroff, Applicants believe that the rejections under §103 are rendered moot as dependent claims 6 and 21 depend from allowable independent claims.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1 and 4-6, 8, 9, 11, 12 and 20-26 is believed to be in order.

Respectfully submitted,

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